

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

No. 24-mc-353

**DECLARATION OF AARON E. NATHAN
IN SUPPORT OF PLAINTIFFS' MOTION TO ENFORCE JUDGMENT**

I, Aaron E. Nathan, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am counsel to Plaintiffs Ruby Freeman and Wandrea' Moss ("Plaintiffs") in the above-captioned action.

2. From December 11, 2023 to December 14, 2023, a jury trial was held to quantify the damages owed to Plaintiffs in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.). On December 15, 2023, the jury returned a verdict awarding Plaintiffs \$73,169,000 in compensatory damages and \$75,000,000 in punitive damages. A true and correct copy of the jury verdict is attached as Exhibit 1.

3. On December 18, 2023, final judgment was entered in favor of Plaintiffs and against Defendant Rudolph W. Giuliani ("Defendant") in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.). The final judgment awarded plaintiffs \$145,969,000 in damages, plus interest at 5.01% per annum. The final judgment further awarded Plaintiffs attorneys' fees of \$89,172. plus interest of 5.33% per annum accruing from July 25, 2023, \$43,684 plus interest of 5.42% per annum accruing form September 20, 2023, and \$104,256.5 plus interest of 5.46% per annum accruing from October 6, 2023.

4. On December 21, 2023, Defendant filed a voluntary chapter 11 petition in the United States Bankruptcy Court for the Southern District of New York (the “Giuliani Bankruptcy Proceeding”). *See In re Rudolph W. Giuliani*, No. 23-12055-SHL (Bankr. S.D.N.Y. Dec. 21, 2023).

5. On January 26, 2024, Defendant filed in the Giuliani Bankruptcy Proceeding an affidavit pursuant to Local Rule 1007-(b) which included a Schedule A/B listing his real estate property, personal property, financial assets, unliquidated legal claims, and other property (the “Initial Schedule A/B”). *See In re Rudolph W. Giuliani*, 23-12055-shl, ECF. No. 70 (S.D.N.Y. Bankr. Jan. 26, 2024). A true and correct copy of the Initial Schedule A/B is attached as Exhibit 2.

6. The Initial Schedule A/B lists Defendant’s real estate property including:

- a. A cooperative apartment valued at \$5,600,000 located at 45 East 66th Street, New York, NY 10065 (the “New York Apartment”), which Defendant listed as owning in fee simple (Exhibit 2 at 2); and
- b. A condominium apartment valued at \$3,500,000 located at 316 South Lake Drive, Palm Beach, FL 33480 (the “Palm Beach Condo”), which Defendant listed as owning in fee simple (Exhibit 2 at 3).

7. The Initial Schedule A/B lists Defendant’s personal property including:

- a. A 1980 Mercedes-Benz, Model SL500 valued at \$25,000 (Exhibit 2 at 3);
- b. Household goods and furnishings, such as beds, couches, tables and chairs, valued at \$20,000 (Exhibit 2 at 4);
- c. A television, valued at \$2,500 (Exhibit 2 at 4);

- d. Various Sports Memorabilia such as a signed Reggie Jackson picture, a signed Yankee Stadium picture, and a signed Joe DiMaggio shirt (Exhibit 2 at 4);
- e. Wearing apparel and personal effects, valued at \$8,500 (Exhibit 2 at 4); and
- f. Costume jewelry: A diamond ring, Three Yankee World Series Rings, Two Bulova Watches, Five Shinola Watches, One Tiffany & Co. Watch, One Seiko Watch, One Frank Muller watch, One Graham Watch, One Corium Watch, One Rolex Watch, Two IWC Watches, One Invicta Watch, Two Breitling Watches, One Raymond Weil Watch, One Baume & Mercier Watch, and Six additional watches of various brands, valued in total at \$30,000 (Exhibit 2 at 4).

8. The Initial Schedule A/B lists an unliquidated legal claim for “unpaid legal fees against Donald J. Trump.” (Exhibit 2 at 7).

9. Defendant’s interest in the New York Apartment, located at 45 East 66th Street Apartment 10W, New York, New York, 10065, Block 1381, Lot 1104, is represented by 1430 shares of stock in, and the proprietary lease for, Apartment 10W with 45 East 66th Owners Corporation. A true and correct copy of the July 29, 2003 Initial Cooperative UCC1 Financing Statement demonstrating Defendant’s ownership of the New York Apartment, which is publicly available, is attached as Exhibit 3. A true and correct copy of the publicly filed May 6, 2015 UCC3 Termination and Financing Statement Amendment demonstrating the termination of the mortgage on Defendant’s interest in the New York Apartment is attached as Exhibit 4.

10. On June 7, 2024, Defendant received authorization from the court in the Giuliani Bankruptcy Proceeding to retain Sotheby’s International Realty (“Sotheby’s”) as his real estate

broker to market and sell the New York Apartment. *See Order In re Rudolph W. Giuliani*, 23-12055-SHL (Bankr. S.D.N.Y. June 7, 2024), ECF No. 244. The New York Apartment is currently listed by Sotheby's at a price of \$5,700,000. A true and correct copy of the Sotheby's listing for the New York Apartment as of August 23, 2024, which is publicly available at <https://www.sothebysrealty.com/eng/sales/detail/180-l-1182-s4lfjd/45-east-66th-street-10w-lenox-hill-new-york-ny-10065>, is attached as Exhibit 5.

11. Defendant's ownership of the Palm Beach Condo located at 315 South Lake Drive, APT 5-D, Palm Beach, FL 334800 is demonstrated by the Quitclaim Deed conveying ownership from Defendant and his ex-wife Judith Giuliani to Defendant alone, dated January 14, 2020, which is available as a public record. A true and correct copy of that deed is attached as Exhibit 6.

12. On February 5, 2024, Defendant filed in the Giuliani Bankruptcy Proceeding an Addendum to Statement of Financial Affairs (the "Amended SOFA"), which lists maintenance fees paid for Defendants' New York Apartment on September 29, 2023 as \$15,000, October 31, 2023 as \$15,000, and November 3, 2023 as \$18,000. The same document lists maintenance fees paid for Defendants' Palm Beach Condo on September 20, 2023 as \$15,995.43, November 10, 2023 as \$15,995.43, and November 15, 2023 as \$15,995.43. A true and correct copy of the Amended SOFA and attachment is attached as Exhibit 7.

13. On February 23, 2024, Defendant filed in the Giuliani Bankruptcy Proceeding a Chapter 11 Monthly Operating Report for the month of January 2024 (the "January 2024 MOR"), which listed his cash balances at the beginning and end of the month, total receipts and disbursements for the month, income for the month, and other financial information. The January 2024 MOR included two attachments—a statement of Defendants' Receipts and Disbursements for January 2024 and a financial statement from his Citibank, N.A. bank accounts. Both

attachments list maintenance fees for Defendants' New York Apartment and Palm Beach Condo for the month of January 2024 as \$33,331.29 and \$31,990.86 (split over two payments) respectively. A true and correct copy of the January 2024 MOR and its two attachments is attached as Exhibit 8.

14. Defendant possesses an unliquidated legal claim against the Donald J. Trump 2020 Presidential Campaign (the "Trump 2020 Campaign"), Donald J. Trump, and/or the Republican National Committee for unpaid legal fees associated with Defendant's legal representation of the Donald J. Trump 2020 Presidential Campaign and the Republican National Committee during the aftermath of the 2020 Presidential Election (the "2020 Campaign Fee Claims").

15. On February 7, 2024, the creditors and defendant convened for a meeting pursuant to Section 341(a) of the United States Bankruptcy Code (the "341 Meeting"). A true and correct copy of the transcript of the 341 Meeting is attached as Exhibit 9.

16. During the 341 Meeting, Defendant discussed his New York Apartment and Palm Beach Condo. Defendant said that he resides at "45 East 66th Street" (the New York Apartment), that he spends "seventy" to "eighty" percent of his time at the New York Apartment, and he answered "Yes, it is" when asked whether the New York Apartment was his principal residence. (Ex. 9 at 9:02–10:05). Defendant was also asked about the appraisal of his New York Apartment and Palm Beach Condo. Defendant said that there was a "pretty accurate appraisal" conducted of both properties "during the divorce" proceedings with his ex-wife, which was "about two years ago." (Ex. 9 at 147:18–148:06).

17. On August 5, 2024, I caused an Information Subpoena with Restraining Notice to be served on Defendant via certified mail, return receipt requested. A true and correct copy of the Information Subpoena with Restraining Notice is attached hereto as Exhibit 10. A true and correct

copy of the front and back of the mailing envelope for the Information Subpoena with Restraining Notice is attached as Exhibit 11. The Information Subpoena with Restraining Notice was delivered by the U.S. Postal Service on August 7, 2024. A true and correct copy of the USPS delivery confirmation page is attached as Exhibit 12.

18. On August 6, 2024 this Court issued a Writ of Execution against Defendant's property, see *Freeman v. Giuliani*, 24-mc-00353 (LJL) (S.D.N.Y. August 6, 2024), which was delivered to the U.S. Marshal Service in the Southern District of New York on August 8, 2024.

19. Also on August 5, 2024, Plaintiffs registered a copy of the certified judgment in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.) in the Southern District of Florida pursuant to 28 U.S.C. § 1963. See *Freeman v. Giuliani*, No. 24-mc-22979 (S.D. Fl. Aug. 5, 2024), ECF No. 1. On August 8, 2024, Plaintiffs recorded a certified copy of that registered judgment from the Southern District of Florida with the Clerk of Palm Beach County, establishing a lien in Mr. Giuliani's real property located in Florida. A true and correct, though not certified, copy of the affidavit of judgment creditor's current address and the registered judgment from the Southern District of Florida filed with the Clerk of the Palm Beach County on August 8, 2024, publicly available on the Palm Beach County Official Records website, is attached as Exhibit 13.

20. On August 19, 2024, Plaintiffs received a response from Burke Bands LLC to Plaintiffs' Information Subpoena to Burke Brands LLC ("Burke Information Subpoena Response"). A true and correct copy of the Burke Information Subpoena Response is attached as Exhibit 14. Attached to the Burke Information Subpoena Response was an agreement between Burke Brands LLC and Giuliani Communications LLC (the "Burke Giuliani Agreement"). The Burke Giuliani Agreement described Defendant as "Rudolph Giuliani, aka Giuliani

Communications LLC.” A true and correct copy of the Burke Giuliani Agreement is attached as Exhibit 15.

21. On August 21, 2024, Defendant filed in the Giuliani Bankruptcy Proceeding a declaration listing all disbursements from his personal checking accounts from April 1, 2024 to August 2, 2024 (the “August 21 Declaration”). The August 21 Declaration lists two checking accounts with Citibank, ending in 1428 and 5812. The August 21 Declaration lists total disbursements of \$178,987.60 from April 1, 2024 to August 2, 2024 for the two checking accounts. *See In re Rudolph W. Giuliani*, 23-12055-shl, ECF. No. 312 (S.D.N.Y. Bankr. Aug. 21, 2024). A true and correct copy of the August 21 Declaration is attached as Exhibit 16.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 30, 2024.

s/ Aaron E. Nathan
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